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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SELINA KEENE, MELODY FOUNTILA, MARK MCCLURE,) Case No.: 4:22-cv-01587-JSW
)
Plaintiffs,) DECLARATION OF MELODY
) FOUNTILA IN SUPPORT OF
) MOTION FOR PRELIMINARY
v.) INJUNCTION
)
CITY AND COUNTY OF SAN FRANCISCO;)
LONDON BREED, Mayor of San Francisco in her) Date: July 8, 2022
official capacity; CAROL ISEN Human Resources) Time: 9:00 AM
Director, City and County of San Francisco, in her) Courtroom: 5
official capacity; DOES 1-100,)
)
Defendants.)
)

DECLARATION OF MELODY FOUNTILA

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1. I, Melody Fountila, have personal knowledge of the facts in this declaration, and if called to testify about them, I would and could do so competently.

2. I am a Christian who believes in the sanctity of life. The currently available COVID-19 vaccines were derived from aborted fetal stem cells. I will not take a vaccine that was derived from murdered children.

3. It was always my desire to help people in need and to feel useful. From 1992 to 1999 I worked as an employment specialist and later as an employment administrator with the Northern California Service League. I supervised pre-release programs for incarcerated persons through the Jobs Plus program with the California Department of Corrections. I personally visited Pelican Bay, San Quentin, and both Solano State prisons. While there I supervised training programs such as truck driving and life skills (how to interview for a job, what to wear, resume creation and how to answer questions in an interview). The goal of the programs was to reduce recidivism, and it was very successful.

4. I have been employed by the City and County of San Francisco since February 16, 1999. I worked as a 9704 Employment & Training Specialist III with the Human Services Agency, which is under the Workforce Development Division of the City. As an employment specialist, I continued my prior work with people in need of work. My job duties were to assist clients with finding employment opportunities, making sure they were prepared for interviews and doing everything possible to enhance employment opportunities for them. For example, I worked with Cal Works participants using the Curtis & Associates curriculum to help people get back to work. My work also included helping people to get off unemployment insurance. I would help by identifying work opportunities within the City or with private employers. I always considered my work to be a career, not simply a job.

5. Due to the COVID-19 outbreak in March 2020, I began to telecommute from my home.

6. I first received notice of a vaccine requirement on June 23, 2021. The City sent an email alert and the subject was the vaccine and face covering policy for City employees. The City was

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1 requiring all employees, as a condition of continued employment, to be fully vaccinated and to
2 report their vaccination status to the City no later than ten (10) weeks after the FDA gave final
3 approval to at least one COVID-19 vaccine.

4 7. On July 12, 2021, I came down with COVID-19 and was treated at Kaiser Hospital. I
5 did not return to work till October 25, 2021. I have been told by my doctors that I now have
6 natural immunity to COVID-19. In order to advance my request for a medical exemption, my
7 doctors provided a statement regarding my natural immunity to the City.

8 8. On August 25, 2021, I received notice from the City, via email and U.S. mail, that the
9 Pfizer vaccine had been granted full FDA approval for the prevention of COVID-19 in individuals
10 sixteen years old or older. The notice stated that all City employees must be vaccinated and
11 provide proof of such vaccination no later than November 1, 2021. I received another notice on
12 September 17, 2021, essentially repeating the notice of August 25, 2021.

13 9. On September 23, 2021, I submitted my request for religious exemption to the City.

14 10. On September 27, 2021, Lily Tang from the City's Office of Civil Rights sent me five
15 questions to answer. I did so, and on September 30 Ms. Tang sent me an additional ten questions
16 to answer. I did answer them, and she thanked me for responding on October 8, 2021. On October
17 25, 2021, I submitted my request for medical exemption. *See* para. 7, *infra*.

18 11. CCSF denied both my medical and religious accommodation requests. On November
19 2, 2021, I was put on paid administrative leave. I was given unpaid administrative leave on
20 December 29, 2021.

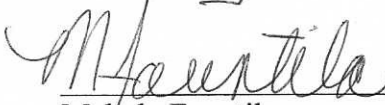
21 12. On April 1, 2002 I was forced to retire. I had wanted to work for at least another five
22 (5) years.

23 13. The whole process has been very stressful. I was forced to leave my job and do not
24 know how I will be able to support myself. I feel that the City is being unfair in not granting more
25 exemptions. Given my natural immunity there is no reason why I can't be allowed to work.

26 I declare under penalty of perjury under the laws of the State of California that the above is
27 true and correct.

28
DECLARATION OF MELODY FOUNTILA

Executed this 9 day of May 2022, in Pittsburg, California.



Melody Fountila

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